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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,837

07/07/2004

Tadao Nakaya

NFA-0204

8394

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07/07/2006

RADER FISHMAN & GRAUER PLLC

LION BUILDING

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WASHINGTON, DC 20036

EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,837

Applicant(s)

NAKAYA ET AL.

Examiner

Camie S. Thompson

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1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX-(6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on AfterFinal Amendment filed 5/24/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 16-24 is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Examiner regrets the untimely reopening of prosecution.
2. Applicant's amendment and accompanying remarks filed May 24, 2006 have been acknowledged.
3. Examiner acknowledges amended claims 16 and 25-32.
4. The rejection of claims 1 and 16-24 under 35 U.S.C. 102(b) as being anticipated by JP 04-224579 is withdrawn due to applicant's amended claims.

Claim Rejections - 35 USC § 102

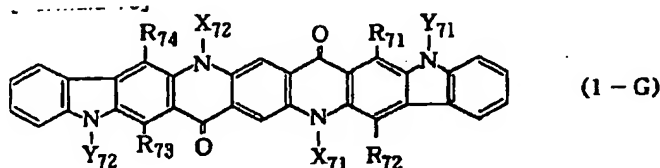
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-087059.

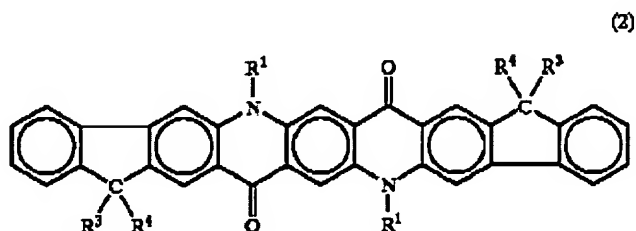
The Japanese reference discloses an organic luminescent element comprising a luminous layer sandwich between a pair of electrodes. Additionally, the reference discloses that the luminous layer comprises a compound such as formula 1-G



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The Japanese reference reads on the instant claims when Y_{72} and Y_{72} are a hydrogen atom and an alkyl straight chain with 1 to 8 carbon atoms respectively; X_{71} and X_{72} are a hydrogen atom and an alkyl straight chain with 1 to 6 carbon atoms and R_{71-74} are each a hydrogen atom. Also, the reference discloses in paragraphs 0045 and 0046 that the organic luminescent element comprises a substrate with the anode formed on the substrate. Paragraph 0040 of the Japanese reference discloses that the organic luminescent element can comprise at least one luminous layer. In paragraph 0041, the reference discloses that it is desirable for the organic luminescent element to have a hole transportation component, a luminescence component and an electron transportation component. The drawings of the Japanese reference disclose a stacked structure that is a planar structure for the device. The instant claims recite that the compound is **capable of emitting white light**. The Japanese reference discloses the same compounds as the instant claims. No patentable weight is given to the functional language “capable of emitting white light”. The Japanese reference and the instant claims both disclose the same organic electroluminescent element comprising the same compound.

7. Claims 2 and 16-24 are allowed. The prior art does not provide for a luminescent compound capable of emitting white light that has a structure represent by formula (2):



wherein R^1 is a hydrogen atom, an alkyl group, or an aryl or arylalkyl group that may have at least one substituent, wherein two R^1 's may be the same or different from each other; each of R^3

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and R^4 is an alkyl group, or an aryl or arylalkyl group that may have at least one substituent, wherein R^3 and R^4 may be the same or different from each other; and two R^3 's may be the same or different, and two R^4 's may be the same or different, and wherein the luminescent compound emits white light upon an application of electromagnetic energy. Additionally, the prior art does not provide for a layered article comprising recited formula 2.

Response to Arguments


8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. Examiner has given reconsideration to the Japanese reference JP 11-087059. The drawings in the Japanese reference disclose a stacked structure for the device. A stacked structure is a planar shape. The Japanese reference reads on the instant claims when the device (layered article) comprises instant formula 1.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 6/23/04